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EXAMINER
ATALA, JAMIE JO

ART UNIT	PAPER NUMBER
2621	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
	10/531,950	ARIDOME ET AL.
Office Action Summary	Examiner	Art Unit	
	JAMIE JO ATALA	2621	

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>13 July 2009</u>.

2a) ☒ This action is FINAL.   2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) <u>1-10</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) <u>1-10</u> is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☒ The drawing(s) filed on <u>19 April 2005</u> is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☒ All b) ☐ Some * c) ☐ None of:

      1. ☐ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____.

      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

Remarks

1.   Claims 9-10 recite a method claim have been examined in regards to a 101

rejection. The specification discloses components (i.e. processor) that provide

communication beyond the capability of a human being to meaningfully receive using

only human capabilities. The "determining seamless connection of components" step

inherently requires the use of a processor. Thus the receiving step is tied to a

processor and thus to a particular machine and is deemed statutory.

Response to Arguments

2.   Applicant's arguments filed July 13, 2009 have been fully considered but they are

not persuasive. On page 7-8 applicant argues that the prior art of record fails to

disclose, or suggest, the following limitation, "offset holding means for holding an offset

equivalent to a time period by which to start encoding an audio signal earlier than a

video signal" as recited in Claim 1. It is noted Kelly discloses the limitation in Column

14 Lines 15-20 describes altering the audio from the video from a few seconds prior or

after the video for synchronization. The offset of the time period in which the data is

encoded is further explained in Column 12 Lines 63+ through Column 13 Lines 1-4

wherein the encoding is based on the synchronization and time period for the video

stream encoding. Applicant states on page 9 that Kelly clearly does not mention

holding the start of encoding but the examiner disagrees as Kelly discloses in Column

12 Lines 64+ through Column 13 Lines 1-4 the importance of scheduling that allows for

the audio to lag seconds of the video stream and thereby encoding the stream.

Additionally, it is noted the offset is the only thing being disclosed in the Kelly reference

and the chapter limitation is clearly taught in Brodersen as seen in Figures 3 and 5.

Furthermore, applicant further argues in pages 8-9 that the prior art of record fails to

disclose, suggest, or teach the following limitation "offset updating means for updating

said offset in keeping with progress in encoding said video signal and said audio signal"

as recited in Claim 1. It is noted the offset is for updating is explained by Kelly in

Column 15 Lines 52+ through Column 16 Lines 1-67 with special attention given to

Column 16 Lines 1-14 that explains the updating of the offset.   Although, all of

applicants points are understood the examiner feels the claim limitations have been

disclosed in the references and the rejection is therefore maintained.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

3.   Claims 1-10 rejected under 35 U.S.C. 103(a) as being unpatentable over Kelly et

al (US 6,952,521) in view Brodersen et al (US 7,200,836).

[claim 1]

In regard to Claim 1, Kelly et al discloses an encoding controlling apparatus comprising:

- offset holding means for holding an offset equivalent to a time period by which to start encoding an audio signal earlier than a video signal (Column 14 Lines 3-67 describes the offset between audio and video components)

- offset updating means for updating said offset in keeping with progress in encoding said video signal and said audio signal (Column 14 Lines 22+ describes the offset in resulting the encoding for the audio signal); and

- recording controlling means for giving an instruction either to start or to stop the encoding of said video signal and said audio signal in accordance with said offset (Column 15 Lines 52+ through Column 16 Lines 1-67) ;however, fails to disclose

    o recording mode determining means for determining whether a seamless connection is possible between the preceding chapter and the following chapter in order to set an initial value of said offset depending on an outcome of the determination.

Brodersen et al discloses a means for authoring DVD further comprising:

    o recording mode determining means for determining whether a seamless connection is possible between the preceding chapter and the following chapter in order to set an initial value of said offset depending on an outcome of the determination (Figures 3 and 5 shows the system editing and determining the chapter marks between the A/V data wherein the data is determined if the transition between the files will provide seamless transition).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the
invention to use the encoding methods for encoding based on offset information, as
disclosed by Kelly et al, and further incorporate a system that uses the offset
information in providing effective chapters for the data, as taught by Brodersen et al, in
order to allow for effective recording of data.

[claim 2]

In regard to Claim 2, Kelly et al discloses an encoding controlling apparatus upon start
of the recording, said recording controlling means starts encoding said audio signal
earlier than said video signal by said time period equivalent to said offset; and upon end
of the recording, said recording controlling means stops the encoding after ending the
encoding of each of record units constituting said video signal and said audio signal
(Column 14 Lines 35+ describes the start and ending of recording based on offset
information).

[claim 3]

In regard to Claim 3, Brodersen et al discloses an encoding controlling, wherein, if said
seamless connection is found possible, then said recording mode determining means
regards as the initial value of said offset the value of said offset updated in said
preceding chapter; and if said seamless connection is found impossible, then said
recording mode determining means regards zero as the initial value of said offset
(Figure 12b shows the system determines the chapter is able to be made proper by
editing means).

[claim 4]

In regard to Claim 4, Kelly et al discloses an encoding controlling apparatus further comprising fading controlling means for controlling a volume of said audio signal in accordance with an instruction either to start or to stop said audio signal (Column 13 Lines 63+ describes the partial audio signal).

[claim 5]

In regard to Claim 5, Brodersen et al discloses an encoding controlling apparatus according to claim 4, wherein said fading controlling means controls the volume of said audio signal so as to fade in said audio signal starting from a mute state upon start of the recording, and to fade out said audio signal upon end of the recording (Column 7 Lines 23+ describes the audio data being faded and changed to mark the changing of editing points and chapter information).

[claim 6]

In regard to Claim 6, Kelly et al discloses an encoding controlling apparatus comprising:

- offset holding means for holding an offset equivalent to a time period by which to start encoding an audio signal earlier than a video signal (Column 14 Lines 3-67 describes the offset between audio and video components)

- offset updating means for updating said offset in keeping with progress in encoding said video signal and said audio signal (Column 14 Lines 22+ describes the offset in resulting the encoding for the audio signal); and

- recording controlling means for giving an instruction either to start or to stop the encoding of said video signal and said audio signal in accordance with said offset (Column 15 Lines 52+ through Column 16 Lines 1-67)

- multiplexing means for multiplexing the encoded video signal and the
  encoded audio signal output by said video encoding means and said
  audio encoding means respectively.(Column 15 Lines 13+ describes the
  multiplexing of data by the encoding means);however, fails to disclose
  - recording mode determining means for determining whether a
    seamless connection is possible between the preceding chapter
    and the following chapter in order to set an initial value of said
    offset depending on an outcome of the determination.

Brodersen et al discloses a means for authoring DVD further comprising:

  - recording mode determining means for determining whether a
    seamless connection is possible between the preceding chapter
    and the following chapter in order to set an initial value of said
    offset depending on an outcome of the determination (Figures 3
    and 5 shows the system editing and determining the chapter marks
    between the A/V data wherein the data is determined if the
    transition between the files will provide seamless transition).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the
invention to use the encoding methods for encoding based on offset information, as
disclosed by Kelly et al, and further incorporate a system that uses the offset
information in providing effective chapters for the data, as taught by Brodersen et al, in
order to allow for effective recording of data.

[claim 7]

In regard to Claim 7, Kelly et al discloses an encoding controlling apparatus comprising:

- offset holding means for holding an offset equivalent to a time period by which to start encoding an audio signal earlier than a video signal (Column 14 Lines 3-67 describes the offset between audio and video components);however, fails to disclose

  - recording mode determining means for determining whether a seamless connection is possible between the preceding chapter and the following chapter in order to set an initial value of said offset depending on an outcome of the determination.

  - If seamless connection is possible then regarding as an initial value of said offset the value of said offset updated in said preceding chapter

  - If seamless connection is found impossible then regarding zero as the initial value of offset

  - Starting to encode said video signal upon elapse of said time period equivalent to offset after encoding of audio starts

  - Given an instruction to stop the recording, stopping the encoding after ending the encoding of record units constituting said video and audio signal

Brodersen et al discloses a means for authoring DVD further comprising wherein the system determines if a proper seamless chapter can be made based on audio and data being processed Figure 12b.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the

invention to use the encoding methods for encoding based on offset information, as

disclosed by Kelly et al, and further incorporate a system that uses the offset

information in providing effective chapters for the data, as taught by Brodersen et al, in

order to allow for effective recording of data.

[claim 8]

In regard to Claim 8, Kelly et al discloses an encoding controlling method for use with

an encoding controlling apparatus having offset holding means for holding an offset

equivalent to a time period by which to start encoding an audio signal earlier than a

video signal (Column 14 Lines 3-67 describes the offset between audio and video

components);however, fails to disclose

- o recording mode determining means for determining whether a
  seamless connection is possible between the preceding chapter
  and the following chapter in order to set an initial value of said
  offset depending on an outcome of the determination.
- o If seamless connection is possible then regarding as an initial value
  of said offset the value of said offset updated in said preceding
  chapter
- o If seamless connection is found impossible then regarding zero as
  the initial value of offset
- o Starting to encode said video signal upon elapse of said time period
  equivalent to offset after encoding of audio starts

       o   Given an instruction to stop the recording, stopping the encoding after ending the encoding of record units constituting said video and audio signal

Brodersen et al discloses a means for authoring DVD further comprising wherein the system determines if a proper seamless chapter can be made based on audio and data being processed Figure 12b.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to use the encoding methods for encoding based on offset information, as disclosed by Kelly et al, and further incorporate a system that uses the offset information in providing effective chapters for the data, as taught by Brodersen et al, in order to allow for effective recording of data.

[claim 8]

In regard to Claim 8, Kelly et al discloses an encoding controlling method for use with an encoding controlling apparatus having offset holding means for holding an offset equivalent to a time period by which to start encoding an audio signal earlier than a video signal (Column 14 Lines 3-67 describes the offset between audio and video components);however, fails to disclose

       o   recording mode determining means for determining whether a seamless connection is possible between the preceding chapter and the following chapter in order to set an initial value of said offset depending on an outcome of the determination.

- o If seamless connection is possible then regarding as an initial value of said offset the value of said offset updated in said preceding chapter
- o If seamless connection is found impossible then regarding zero as the initial value of offset
- o Starting to encode said video signal upon elapse of said time period equivalent to offset after encoding of audio starts
- o Given an instruction to stop the recording, stopping the encoding after ending the encoding of record units constituting said video and audio signal

Brodersen et al discloses a means for authoring DVD further comprising wherein the system determines if a proper seamless chapter can be made based on audio and data being processed Figure 12b.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to use the encoding methods for encoding based on offset information, as disclosed by Kelly et al, and further incorporate a system that uses the offset information in providing effective chapters for the data, as taught by Brodersen et al, in order to allow for effective recording of data.

[claim 9]

In regard to Claim 9, Kelly et al discloses a program in an encoding controlling apparatus having offset holding means for holding an offset equivalent to a time period by which to start encoding an audio signal earlier than a video signal upon recording of

a chapter (Column 14 Lines 3-67 describes the offset between audio and video

components);however, fails to disclose

- o recording mode determining means for determining whether a
  seamless connection is possible between the preceding chapter
  and the following chapter in order to set an initial value of said
  offset depending on an outcome of the determination.
- o If seamless connection is possible then regarding as an initial value
  of said offset the value of said offset updated in said preceding
  chapter
- o If seamless connection is found impossible then regarding zero as
  the initial value of offset
- o Starting to encode said video signal upon elapse of said time period
  equivalent to offset after encoding of audio starts
- o Given an instruction to stop the recording, stopping the encoding
  after ending the encoding of record units constituting said video and
  audio signal

Brodersen et al discloses a means for authoring DVD further comprising wherein the

system determines if a proper seamless chapter can be made based on audio and

data being processed Figure 12b.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the

invention to use the encoding methods for encoding based on offset information, as

disclosed by Kelly et al, and further incorporate a system that uses the offset

information in providing effective chapters for the data, as taught by Brodersen et al, in order to allow for effective recording of data.

[claim 10]

In regard to Claim 10, Kelly et al discloses a computer program product in an encoding controlling apparatus having offset holding means for holding an offset equivalent to a time period by which to start encoding an audio signal earlier than a video signal upon recording, said computer program product stored on a computer readable medium and including program code for performing (Column 14 Lines 3-67 describes the offset between audio and video components); however, fails to disclose

- o recording mode determining means for determining whether a seamless connection is possible between the preceding chapter and the following chapter in order to set an initial value of said offset depending on an outcome of the determination.
- o If seamless connection is possible then regarding as an initial value of said offset the value of said offset updated in said preceding chapter
- o If seamless connection is found impossible then regarding zero as the initial value of offset
- o Starting to encode said video signal upon elapse of said time period equivalent to offset after encoding of audio starts

         o   Given an instruction to stop the recording, stopping the encoding after ending the encoding of record units constituting said video and audio signal

Brodersen et al discloses a means for authoring DVD further comprising wherein the system determines if a proper seamless chapter can be made based on audio and data being processed Figure 12b.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to use the encoding methods for encoding based on offset information, as disclosed by Kelly et al, and further incorporate a system that uses the offset information in providing effective chapters for the data, as taught by Brodersen et al, in order to allow for effective recording of data.

Conclusion

1.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

      A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JAMIE JO ATALA whose telephone number is (571)272-7384. The examiner can normally be reached on 7:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thai Tran can be reached on 571-272-7382. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/JAMIE JO ATALA/
Examiner, Art Unit 2621